THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.19425 of 2000

Dated 12-10-2007

Between:

Mamindla Samakka and others.

....

PETITIONERS

AND

The District Collector, Warangal, and another.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.19425 of 2000

O R D E R:

This writ petition is filed seeking a declaration that the order of the first respondent – District Collector, Warangal, dated 23.07.1999 rejecting the request of the petitioners for payment of

ex-gratia for the death of one Mamindla Sadanandam killed by PWG extremists on 08.10.1998 is arbitrary and illegal.

The first petitioner herein is the wife of late Sadanandam. Whereas the petitioners 2 and 3 are the father and mother respectively, the petitioners 4 and 5 are the minor children of late Sadanandam.

They made a representation to the first respondent requesting payment of ex-gratia as per G.O.Ms.No.235 dated 07.06.1997 which provides for ex-gratia relief to the victims of extremists violence. The said request was rejected by first respondent by order dated 23.07.1999 stating that on enquiry it was found that the deceased was associated with CPI(ML) and therefore, the legal heirs of the deceased were not eligible for the financial assistance

as per the Government Order dated 26.06.1999. Aggrieved by the same, the present writ petition has been filed.

Though Rule Nisi was ordered on 16.10.2000, no counter-affidavit is filed by any of the respondents.

I have heard the learned counsel for the parties and perused the material on record.

A perusal of G.O.Ms.No.235 dated 07.06.1997 shows that the Government issued various orders from time to time to provide
ex-gratia relief of Rs. 2 lakhs to the next of the kin of Sarpanches, M.P.T.C. Members, Chairpersons, Primary Agricultural Cooperative Societies etc., who were the victims of extremists violence. As could be seen from G.O.Ms.No.235, the said relief is not extended only for the death of the Government employees and police personnel.

In the circumstances, I found force in the submission of the learned counsel for the petitioners that the respondents are not justified in rejecting the request of the petitioners for grant of
ex-gratia on the ground that the deceased was closely associated with CPI(ML). Nothing could be placed before this Court by the respondents to show that the ground on which the impugned order was passed also comes under

the exceptions to grant relief of ex-gratia.

Accordingly, the impugned order dated 23.07.1999 is hereby set aside and the writ petition is disposed of with a direction to the respondents to reconsider the request of the petitioners and pass appropriate orders in accordance with law. No costs.

(G. ROHINI, J)

Date:12-10-2007
ghn